

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT T. STOOKSBURY, JR.,)
)
Plaintiff,)
)
v.) No. 3:09-CV-498-TAV-HBG
)
MICHAEL L. ROSS, *et al.*,)
)
Defendants.)

REPORT AND RECOMMENDATION

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the referral of the Chief District Judge. The Receiver has filed his Seventh Quarterly Report and Twenty-Fifth Interim Application to Pay Receiver's Fees and Approve Receiver's Attorneys' Fees and Costs.

I. Receiver's Fees

The Receiver moves the Court to approve payment to the Receiver for the reasonable and necessary services he rendered between June 1 and June 30, 2014, in the amount of \$3,557.75, which represents \$3,543.75 in fees and \$14.00 in direct expenses.

The Receiver represents that as of June 30, 2014, the Receiver was in possession of \$860,238.75. [Doc. 1330 at 8]. The Receiver also maintains a separate rent account, which he represents has a balance of \$206,764.46, as of June 30, 2014. [*Id.* at 6]. There is no evidence in the record to indicate that either of these accounts has been dissipated, in any considerable amount, since June 30, 2014.

The Receiver has submitted an Invoices of Services rendered in June 2014, detailing the time spent on various tasks in furtherance of the duties established by the Court. [Doc. 1330-1]. He has also submitted invoices for the same period, detailing the out-of-pocket expenses the Receiver incurred in furtherance of these duties. [Id.]. The Court has reviewed the invoices and finds that they are reasonable.

The Receiver's Application was filed on July 10, 2014. The documents supporting the Receiver's requested reimbursement have been available for review to the parties. No party or interested person has objected to the compensation and expenses submitted. The time for doing so has expired. See, generally, E.D. Tenn. L.R. 7.1. The Court may treat this failure to respond as acquiescence to the relief sought. See E.D. Tenn. L.R. 7.2.

Based upon the foregoing, the Court finds that the Receiver's request for compensation is well-taken, and the undersigned **RECOMMENDS** that it be **GRANTED**. The Court finds the compensation and expenses requested by the Receiver are **REASONABLE**, and the undersigned **RECOMMENDS** that they be **APPROVED**.

II. Receiver's Attorneys' Fees and Costs

The Receiver also requests that the Court approve the attorneys' fees and expenses incurred through Woolf, McClane, Bright, Allen & Carpenter, PLLC ("WMBAC") for the period from March 1, 2014, through June 30, 2014. WMBAC requests \$98,803.00 in professional fees and \$153.30 in expenses incurred, for a total of \$98,956.30.

The Receiver also filed documents evidencing the professional and paraprofessional time expended by WMBAC between March 1, 2014 and June 30, 2014, and the rates billed for such time. [Doc. 1373]. The Court has also reviewed the WMBAC billing entries, which were filed

under seal, and finds that they are reasonable. The Receiver submitted the amount of the fees and costs requested in publically-available documents on July 10, 2014. The Court finds no party or other entity has objected to the amounts requested for WMBAC's fees and costs, and the time for doing so has expired.

Based upon the foregoing, the Court finds that the **\$98,803.00** in professional fees and **\$153.30** in expenses incurred expenses incurred by WMBAC in serving as counsel to the Receiver during the period from March 1, 2014, through June 30, 2014, are **REASONABLE**. The Receiver's request that WMBAC be reimbursed for these fees and expenses, as funds come available, is **APPROVED**, subject to further order of the Court.

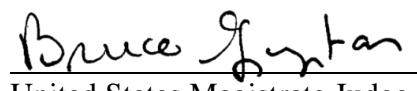
III. Conclusion

The undersigned **RECOMMENDS** that:

1. The Seventh Quarterly Report and Twenty-Fifth Interim Application to Pay Receiver's Fees and Approve Receiver's Attorneys' Fees and Costs [**Doc. 1330**] be **GRANTED**;
2. The Receiver be permitted to **DISBURSE** the **\$3,557.75** requested as compensation for services and reimbursement for expenses June 2014; and
3. The **\$98,803.00** in professional fees and **\$153.30** in expenses incurred expenses incurred by WMBAC be **APPROVED**, subject to further order of the Court.

IT IS SO ORDERED.

ENTER:



United States Magistrate Judge